

## **Special Handling Guidelines for Labor Certification Applications for College or University Teachers**

The Immigration and Nationality Act provides distinct tests for job offers as college and university teachers. The statute permits the employer to reject applications for the job from qualified U.S. workers who are less qualified than the alien. Not all faculty level or professional rank jobs are considered teachers. Faculty members who do not teach are excluded from this provision. The employer must show that the alien was selected by a process through which the alien was found to be more qualified than any of the U.S. workers who applied for the job. As long as the employer submits adequate documentation of such a competitive recruitment and selection process, the employer need not make the additional recruitment efforts normally required for Labor Certification.

Responsibility for assisting the university with documenting a competitive recruitment and selection process lies with the chair of the search committee. She or he must complete and submit the following documents to the Office of International Education and Development for inclusion in a Public Access File:

A packet signed by the chair of the search committee as well as an official with actual hiring authority, outlining in detail, the complete recruitment procedure. This packet must include:

1. The total number of applicants responding;
2. A detailed description of the specific reasons why the alien is more qualified than all the other workers who applied for the job;
3. A written statement attesting to the degree of the alien's educational or professional qualifications and academic achievements; and
4. A final report of the faculty, student, and/or administrative body making the recommendation or selection at the completion of the competitive recruitment and selection process, including the exact date the alien was selected for the position.

The final report must include:

- A copy of at least one print advertisement for the job, placed in a national professional journal, giving the name and the date(s) of publication; the job title, duties, and requirements;
- A list of names of all candidates grouped by reasons that they were not selected (copies of all CV's should be kept on file in the departmental office for at least five years per Department of Labor Regulations);
- Evidence of all other recruitment sources utilized and evidence of the results of such recruitment efforts;
- Copies of letters of recommendation submitted on the alien's behalf; and

- Copies of the resumes of *interviewed* candidates who were not chosen for the position.

*Please see the template attached at the end of this document for assistance with preparing the packet.*

The Office of Equity, Diversity, and Compliance will retain copies of all Affirmative Action Forms completed by applicants for the search. These forms will be made available for inspection upon request.

In addition, the alien must submit evidence of his or her qualifications for the position to both the search committee and the Office of International Education and Development, including:

- Copies of diplomas earned in the field related to the position
- Copies of publications or proof of professional creative research
- Copy of resume / CV (including contact information for former supervisors)
- Any other evidence of professional or academic qualifications, such as awards

All inquiries regarding the documentation needed when hiring international candidates should be directed to Bob White, Office of International Education and Development, Appalachian State University.